

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Vrana on 11/18/03.

The application has been amended as follows:

In The Abstract:

The abstract on page 34 has been replaced with the following:

-----The invention relates to an inbred maize line, designated NP2171, the plants and seeds of inbred maize line NP2171, and methods for producing a hybrid maize plant and seed by crossing a plant of the inbred line 2171 with itself or with another maize plant. -----

In The Claims:

In claim 5, "parts" has been changed to ---a part----

Claim 9 (Currently amended). A (The) maize plant or a part thereof produced from the maize plant according to claim 2 or 5, by transformation with [further comprising] a transgene that confers upon said maize plant or a part thereof tolerance to an [a] herbicide.

In claim 10, "or" after sulfonylurea has been replaced with ---herbicide, ----.

Claim 11 (Currently amended). A (The) maize plant or a part thereof produced from the maize plant according to claim 2 or 5, by transformation with [further comprising] an expression vector comprising a transgene that confers upon said maize plant or a part thereof insect resistance, disease resistance or virus resistance.

Claim 12 (Currently amended). The maize plant according to claim 11, wherein said transgene [conferring upon said maize plant insect resistance] is a *Bacillus thuringiensis* Cry1Ab gene.

Claim 13 (Currently amended). The maize plant according to claim 12, wherein said expression vector further comprises [comprising] a *bar* gene.

Claim 15 (Currently amended). Seed produced by selfing [of] the plant according to claim 2 or 5, wherein said seed produce plants having all the physiological and morphological characteristics of inbred line NP2171, seed of said inbred line having been deposited under ATCC Accession No: PTA- 2886.

Claim 16 (Currently amended). A tissue culture of regenerable cells of the maize plant according to claim 2 [, wherein said tissue culture regenerate plants capable of expressing all the morphological and physiological characteristics of the plant according to claim 2].

Claim 17 (Currently amended). The tissue culture according to claim 16, wherein the regenerable cells are from a tissue [being] selected from the group consisting of embryo, meristem, pollen, leaf [leave], anther, root, root tip, silk, flower, kernel, ear, cob, husk and stalk [, or are protoplasts or callus produced therefrom].

Claim 18 (Currently amended). A maize plant regenerated from the tissue culture of claim 16, wherein the regenerated plant has [having] all the morphological and physiological characteristics of inbred line NP2171, seed of said inbred line having been deposited under ATCC Accession No: PTA-2886.

In claim 20, "first generation (F1)" has been deleted.

Claim 21 (Currently amended). The method according to claim 19, wherein the inbred maize plant [of claim 2] is the female parent.

Claim 22 (Currently amended). The method according to claim 19, wherein the inbred maize plant [of claim 2] is the male parent.

-----Claim 50 (New). A method of introducing a desired trait into maize inbred line NP2171 comprising:

a) crossing NP2171 plants grown from seed deposited under ATCC Accession No. PTA- 2886, with plants of another maize line that comprise a desired trait to produce F1 progeny plants, wherein the desired trait is selected from male sterility, herbicide resistance, insect resistance, and resistance to bacterial, fungal or viral disease;

(b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;

(c) crossing the selected progeny plants with NP2171 plants to produce backcross progeny plants;

(d) selecting for backcross progeny plants that have the desired trait and physiological and morphological characteristics of maize inbred line NP2171 to produce selected backcross progeny plants ; and

(e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise the desired trait and all of the physiological and morphological characteristics of maize inbred line NP2171 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.----

----Claim 51 (New). A plant produced by the method of claim 50, wherein the plant has the desired trait and all of the physiological and morphological characteristics of corn inbred line NP2171 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.----

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: for clarification, "part thereof" in claims 2, 5, 9 and 11 is understood to mean the non-seed part of the plant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Technology Sector 1 by facsimile transmission. Papers should be faxed to Crystal Mall 1, Art Unit 1638, using fax number (703) 308-4242. All Technology Sector 1 fax machines are available to receive transmission 24 hrs/day, 7 days/wk. Please note that the faxing of such papers

Application/Control Number: 09/770,738
Art Unit: 1638

Page 6

must conform with the Notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Medina A. Ibrahim whose telephone number is (703) 306-5822. The Examiner can normally be reached Monday-Thursday from 8:30AM to 5:30PM and every other Friday from 9:00AM to 5:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Amy Nelson, can be reached at (703) 306-3218.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0196.

11/20/03

Mai



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